IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3165 of 2006

Raju Shamrao Nale & ors. Petitioners
Vs.
M/s. Sunil Anant Hawal & ors. Respondents

Mr.P.R.Arjunwadkar for petitioners.
Mr.M.D.Parab for resp.no.1.

CORAM: B.H.MARLAPALLE,J.

July 06, 2006.

P.C.

. It is obvious that the petitioner has been filing applications after applications in the pending Darkhast proceedings and has been successful in stalling the auction sale of the hypothecated property. In the impugned order the learned Judge of the lower Court has noted that three such applications were filed by the petitioner and they were rejected. On the one hand the petitioner goes on making a statement that he has no objection for execution of the decree and on the other hand he goes on filing the applications. If the property has been hypothecated to the Bank, the Bank is entitled to subject the said property for auction sale in execution of the decree and in any case this Court in its earlier order dated 17th March 2006 had clarified

the issue. In spite of that another order was invited by the petitioner i.e. the impugned order below Exhibit 36 and again the decree has been stalled. The executing Court will undoubtedly follow the order of this Court passed on 17/3/2006.

. No interference is called for in the impugned order. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)